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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,049	09/24/2001	Philip H. Burrus IV	EN 11333	4674

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08/05/2004

Motorola, Inc.
8000 West Sunrise Boulevard - Room 1610
Law Department
Fort Lauderdale, FL 33322

EXAMINER

ENG, GEORGE

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 08/05/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,049

Applicant(s)

BURRUS, PHILIP H.

Examiner

George Eng

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: page 11, line 22, "a resistor 201" should be --a resistor 202-- in accordance with figure 12.

Appropriate correction is required.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 6,509,659. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the claimed limitations, i.e., a universal base unit and an interface device, are transparently found in U.S. Patent No. 6,509,659.

Claim Objections

5. Claim 1 is objected to because of the following informalities: page 18, line 15, the second occurrence of "the control circuit" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US PAT. 5,818,197 hereinafter Miller) in view of Patino et al. (US PAT. 5,184,059 hereinafter Patino).

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Regarding claim 1, Miller discloses an intelligent accessory system for identifying a particular electronic device, comprising a universal base unit (10, figure 1) having a control unit (80, figure 4) having at least one input and at least one output, an interface device (22 or 24,, figure 1) having both a first connector for mechanically and electrically coupling to the universal base unit and a second connector for mechanically and electrically coupling to at least one first electronic device (26 or 28, figure 1), the interface device further having a identification circuit correspond to the at least one first electronic device, wherein the interface device is coupled to the universal base unit in series and wherein the control unit drives a predetermined current through an identification resistor and measuring the resultant voltage across the identification resistor for identifying the at least one first electronic device (col. 4 line 4 through col. 7 line 41). Miller differs from the claimed invention in not specifically teaching the universal base unit comprising a resistor electrically coupled to the at least one input and the interface device comprising a capacitor with a value predetermined to correspond to the at least one first electronic device so that the control unit applies a voltage to the capacitor and measures the exponential voltage decay across the resistor, wherein the capacitor and the resistor are electrically coupled in series. However, Patino teaches a battery charging system for efficiently providing an optimum charging strategy by distinguishing between the variety of battery capacity associated with different radio family types comprising a base unit (30a, figure 1) comprising a control circuit (38, figure 1) having at least one input and a resistor (R62, figure 1) coupled to the at least one input, and an interface device (30b, figure 1) comprising a capacitor (C72, figure 1), so that the control circuit applies a voltage to the capacitor and measures n exponential voltage decay across the

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resistor in order to identify the type of battery, wherein the resistor and the capacitor are electrically coupled in series (col. 3 line 41 through col. 4 line 45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Miller in having the universal base unit comprising a resistor electrically coupled to the at least one input and the interface device comprising a capacitor with a value predetermined to correspond to the at least one first electronic device so that the control unit applies a voltage to the capacitor and measures the exponential voltage decay across the resistor, wherein the capacitor and the resistor are electrically coupled in series, as per teaching of Patino, in order to efficiently provide an optimum charging strategy by distinguishing between the variety of battery capacity associated with different radio family types.

Regarding claim 8, Patino discloses the capacitor being disposed on an integrated circuit semi-conducting substrate, i.e., connecting means (32b, figure 1).

Regarding claim 9, Miller discloses an apparatus for providing information related to charge a battery in at least a first cellular telephone (col. 1 lines 20-23) comprising a first means (22, figure 1), separate from the first cellular telephone that has a first battery (26, figure 1) for powering the first cellular telephone, for providing battery identification for the first battery of the first cellular telephone and in which a first set of battery charging requirements are different from a second set of battery charging requirements of a second battery (28, figure 1) of a second cellular telephone, the first means including a first battery identification circuit corresponding to the first set of battery charging requirements that are used in charging the first battery of the first cellular telephone, and a second means (10, figure 1) separate from but electrically

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connectible to the first means in order to be responsive to the first means for using the information related to the first battery charging requirements obtained from the first battery identification circuit, the second means including a processor (80, figure 4) and in which the first battery identification circuit responds to a voltage input from the processor to indicate the identity of the first cellular telephone when the first means is coupled to the second means, wherein the first means including the first battery identification circuit is replaced by another first means (24, figure 1) including a second battery identification circuit that corresponds to a second set of battery charging requirements of the second battery (28, figure 1) of the second cellular telephone when changing from the second means operating with the first cellular telephone to the second means operating with the second cellular telephone (col. (col. 4 line 4 through col. 7 line 41). Miller differs from the claimed invention in not specifically teaching each of the first and second battery identification circuit including a capacitor that corresponding to a respective set of battery charge requirements. However, Patino teaches to use a capacitor to form a characteristic related to the predetermined charging algorithm in order to efficiently provide an optimum charging strategy by distinguishing between the variety of battery capacity associated with different radio family types. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Miller in having each of the first and second battery identification circuit including a capacitor that corresponding to a respective set of battery charge requirements, as per teaching of Patino, in order to efficiently provide an optimum charging strategy by distinguishing between the variety of battery capacity associated with different radio family types.

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Regarding claim 10, the limitations of the claim are rejected as the same reasons set forth in claim 9.

Regarding claims 11-12, the limitations of the claims are rejected as the same reasons set forth in claim 1.

Allowable Subject Matter

8. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Romano et al. (US PAT. 6,661,805) discloses a system for automatically configuring an Ethernet device as either an Ethernet end station or as an Ethernet hub (abstract). Kates et al. (US PAT. 6,337,557) discloses an external universal battery charging apparatus (abstract).

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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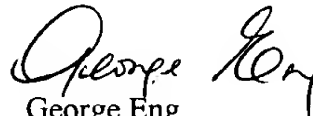
Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555.

The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


George Eng
Primary Examiner
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